



MINING (PRECIOUS STONES FIELD BALLOTS) AMENDMENT ACT 1993

No. 3 of 1993

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ELIZABETHAE II REGINAE

A.D. 1993

No. 3 of 1993

An Act to amend the Mining Act 1971.

[Assented to 4 March 1993]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Mining (Precious Stones Field Ballots) Amendment Act 1993*.

(2) The *Mining Act 1971* is referred to in this Act as “the principal Act”.

Substitution of s. 12

2. Section 12 of the principal Act is repealed and the following section is substituted:

Delegation

12. (1) The Minister may delegate any power or function vested in or conferred on the Minister under this Act.

(2) The Director of Mines may, with the Minister’s consent, delegate any power or function (including a delegated power or function) vested in or conferred on the Director under this Act.

(3) A delegation under this section—

(a) may be absolute or conditional;

(b) may be made—

(i) to a particular person or body; or

- (ii) to the person for the time being occupying a particular office or position;
- (c) does not derogate from the power of the delegator to act in any matter;
- and
- (d) is revocable at will by the delegator.

(4) In any legal proceedings an apparently genuine certificate, purportedly signed by the Minister or the Director, containing particulars of a delegation under this section, will, in the absence of proof to the contrary, be accepted as proof that the delegation was made in accordance with the particulars.

Insertion of s. 51b

3. The following section is inserted immediately after section 51a of the principal Act:

Special provisions relating to ballots in certain cases

51b. (1) Where—

- (a) it is proposed that the Governor, by proclamation under section 8—
 - (i) declare any mineral land to be a precious stones field;
 - or
 - (ii) vary or revoke a proclamation so that land reserved from the operation of this Act will form, or become part of, a precious stones field;
- and
- (b) the Minister considers that it is appropriate that this section apply in order to facilitate orderly prospecting and pegging of claims on the land,

the Minister may, by notice published in the *Gazette* at the time that the Governor makes the proclamation, declare that this section applies in relation to the land.

(2) If the Minister makes a declaration under subsection (1)—

- (a) the holder of a precious stones prospecting permit cannot prospect for precious stones or peg out a precious stones claim on the land to which the declaration relates until a day specified by the Minister in the notice in the *Gazette* (referred to in this section as "the declared day");

and

- (b) a person appointed by the Minister for the purpose will carry out a ballot on the declared day in accordance with the Minister's directions to determine who may have the first opportunity to prospect for precious stones and peg out precious stones claims on the land.

(3) For the purposes of subsection (2), the Minister must—

- (a) in the notice in the *Gazette*—

- (i) set out the conditions that are to apply in relation to the ballot;

and

- (ii) invite interested persons (being the holders of precious stones prospecting permits) to register for inclusion in the ballot before a specified day in a manner and form determined by the Minister;

- (b) cause the land to be divided into blocks, of such dimensions as the Minister thinks fit, and ensure that each block is allocated an identifying number for the purposes of the ballot;

and

- (c) cause a plan of the land that clearly delineates those blocks with their identifying numbers to be made available for public inspection at the principal office of the Director, or at some other appropriate place specified by the Minister by notice in the *Gazette*, at least seven days before the declared day.

(4) The holder of a precious stones prospecting permit who is registered for inclusion in the ballot in accordance with subsection (3) may participate in the ballot by attending in person on the declared day at a place and time specified by the Minister in the notice given under subsection (1).

(5) A person who is allocated a block by virtue of his or her participation in the ballot—

(a) may, no later than 5 p.m. on the day immediately following the day of allocation, peg out the block as a precious stones claim in accordance with directions issued by the Minister at the time of the allocation of the block;

(b) must, if the person has pegged out the block under paragraph (a), give notice of the pegging in accordance with the regulations;

and

(c) may apply to the nearest office of the Mining Registrar to the land for registration of the claim no later than 14 days after the declared day.

(6) A mining registrar must not, for 14 days immediately following the declared day, register a precious stones claim in respect of any part of the land unless the claim is made by a person under subsection (5).

(7) A person must not, for 14 days immediately following the declared day, prospect for precious stones or peg out a claim on land to which this section applies except on a block allocated to the person by virtue of his or her participation in the ballot.

(8) If—

(a) a person who has been allocated a block—

(i) fails to peg out a precious stones claim in relation to the block within the time prescribed by subsection (5) (a);

(ii) fails to give notice of a pegging in accordance with the regulations;

or

(iii) fails to apply for registration of a claim within the time prescribed by subsection (5) (c);

or

(b) a block is not taken up through the ballot,

the land comprised in the block may, at any time after 14 days from the declared day, be pegged out by any other person in accordance with the provisions of this Act (other than this section).

(9) If a person prospects for precious stones or pegs out a precious stones claim in contravention of this section—

(a) the person is guilty of an offence and liable to a penalty not exceeding a division 5 fine or division 5 imprisonment;

and

(b) any claim purportedly made by the person is void.

(10) The Minister may, by notice in the *Gazette*, fix a fee for participation in the ballot, and a person who pays the fee but is not successful in the ballot will, on application in a manner and form determined by the Minister, be refunded the fee.

(11) A person is not entitled to obtain more than one block through his or her participation in the ballot.

(12) A right to peg out a block awarded to a person through his or her participation in the ballot is not transferable.

(13) The Minister must ensure that a copy of any notice published in the *Gazette* for the purposes of this section is also—

(a) published, as soon as is reasonably practicable after publication in the *Gazette*, in a newspaper circulating generally throughout the State;

and

(b) displayed, for a reasonable period of time, in the nearest office of the Mining Registrar to the land.

(14) This section applies notwithstanding any other provision of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor